

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

10-0348R

AS AMENDED

RESOLUTION GRANTING A SPECIAL USE PERMIT TO ISD 709 FOR AN OFF-SITE VEHICLE PARKING LOT AT THE SOUTHEAST CORNER OF 40TH AVENUE EAST AND LUVERNE STREET.

CITY PROPOSAL:

RESOLVED, that:

(a) The city council grants the request for a Section 50-35 (hh) special use permit submitted by ISD 709 for an 84-vehicle parking lot at the southeast corner of 40th Avenue East and Luverne Street and legally described as London Addition, Block 10, that part of Lots 1-5 and 12-16 lying north of the railroad; and

(b) Pursuant to Section 50-32 of the Duluth City Code, 1959, as amended, such request was duly referred to the city planning commission and such commission gave due notice of public hearing and did consider same in public hearing; and

(c) The planning commission, at its June 8, 2010, regular meeting, recommended approval of the request with conditions; and

(d) The approval was made because of the city planning commission findings that appropriate safeguards will exist to protect the comprehensive plan and to conserve and to protect property values in the neighborhood if conditions are observed (FN 10047).

FURTHER RESOLVED, that the city council of the city of Duluth approves a special use permit for an 84-vehicle parking lot at the southeast corner of 40th Avenue East and Luverne Street, subject to the following conditions:

(a) The project be constructed and maintained according to the documents provided by Architectural Resources, Inc., titled "40th Avenue East Parking, ISD 709," and as amended by the conditions in (b) below:

(1) Proposed Site Plan (Sheet SW 2.1) dated 4/22/2010;

(2) Proposed Landscape Plan (Sheet SW 2.2) dated 4/22/2010;

(3) Proposed Storm Drainage Plan (Sheet C 2.1) dated 4/22/2010, and shown on Public Document No. _____;

(b) The applicant provide an amended site plan and landscape plan showing the following amendments and that construction of site improvements may not commence until the land use supervisor provides written approval that the amendments have been appropriately designed:

(1) Provision of a decorative fence to be located east of the screening vegetation and extending from the southerly right-of-way line of Luverne Street to the northwesterly right-of-way line of the railroad, and

(2) Provision of a sidewalk not less than five feet in width connecting the northwest corner of the parking lot to the public sidewalk at the intersection of 40th Avenue East and Luverne Street;

(c) The parking lot be available for use by the general public when not in use for official school functions;

(d) The parking lot be signed at all vehicular and pedestrian entrances indicating the closure of the parking lot from 10 p.m. until 6 a.m., except for official school functions;

(e) The applicant secure all permits required by federal, state, county or city laws and regulations;

(f) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the land use supervisor without further city council action; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50, Article IV;

(g) That access/egress to the parking lot be allowed on 40th Avenue East only and that no access/egress be allowed on Luverne Street.

Approved as to form:

Attorney

PC:PLNG KD:eu 6/18/2010

STATEMENT OF PURPOSE: This resolution grants a special use permit to ISD 709 for an 84-vehicle parking lot at the southeast corner of the intersection of 40th Avenue East and Luverne Street, across from Ordean School.

On June 8, 2010, the planning commission held a public hearing on the proposal and voted 7-1-1 (Commissioner Appold abstained, Commissioner Banks opposed) to recommend that the city council approve the special use permit with conditions.

Condition (a) requires the applicant improve the site according to a set site plan, landscape plan, and storm drainage plan. Condition (b) requires ISD 709 to make minor changes to the plans recommended by the Planning Commission to install a fence and sidewalk. Conditions (c) and (d) require the District to make the parking lot available for use by the general public when not needed for official school functions, but requires them to install signs informing the public that the lot is closed from 10 p.m to 6 a.m. Condition (e) requires the District to obtain all other necessary permits for construction. Condition (f) gives the Land Use Supervisor authority to sign off on minor modifications to the approved plans that don't compromise major elements of the plans.

Application date: April 26, 2010

Action deadline: August 24, 2010